

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DR. THOMAS HAJZUS,)
)
)
Plaintiff,))
)
)
v.) 02: 06cv1401
)
)
PETERS TOWNSHIP SCHOOL DISTRICT,)
)
)
Defendant.)

MEMORANDUM OPINION AND ORDER

Presently before the Court for disposition are the MOTION REQUESTING CLARIFICATION OR IN THE ALTERNATIVE RECONSIDERATION OF THE COURT'S ORDER DATED MARCH 23, 2007 GRANTING DEFENDANTS' PARTIAL MOTION TO DISMISS filed by Plaintiff, Dr. Thomas Hajzus (*Document No. 47*), and the BRIEF in opposition filed by Defendant Peters Township School District (*Document No. 49*). For the reasons that follow, the Motion Requesting Clarification Or In The Alternative Reconsideration will be granted.

As the factual and procedural history of this matter are both well known to the parties, the Court will not repeat them here other than to note the disposition of the Memorandum Opinion and Order, filed March 23, 2007, which forms the basis of the instant Motion for Reconsideration.

By its Memorandum Opinion and Order filed March 23, 2007, the Court dismissed all the individually named-Defendants finding that the PHRA administrative record reflected that no PHRA complaint was presented which named the individually-named Defendants as respondents nor was there a PHRA complaint which contained allegations that the individually-

named Defendants aided and abetted in any discriminatory acts. Further, the Court found that the PHRA administrative record did not reflect that Plaintiff had ever presented a claim for harassment against any defendant to the PHRC.

At the time the Court filed its March 23, 2007 decision, there was no record evidence that Plaintiff had in fact cross-filed his March 20, 2004 Amended EEOC Charge, which named Superintendent Diane Kirk and Assistant Superintendent John Hoover as respondents, and appears to include a claim for harassment, with the PHRC. However, Plaintiff has now produced an EEOC cross-filing form, “Election Option to Dual File with the Pennsylvania Human Relations Commission,” which apparently was signed by Plaintiff on August 15, 2002.¹ Therefore, it appears that Plaintiff’s Amended EEOC Charge should have been filed simultaneously with the PHRC.

It remains unclear to the Court, however, whether Plaintiff ever filed “aiding and abetting” claims under the PHRA against Dr. Kirk and Dr. Hoover. A review of the EEOC Amended Charge does not indicate that Plaintiff was seeking to impose liability on these two individuals for aiding and abetting discrimination under the PHRA.

However, in an abundance of caution, the Court will re-instate Superintendent Diane Kirk, individually, and Assistant Superintendent John Hoover, individually, as defendants in this matter. Defendants may raise the issue of jurisdiction over these individuals under the PHRA again at a later stage of these proceedings.

¹ Plaintiff represents that although he had requested a copy of certain documents from the EEOC investigative file prior to commencing this lawsuit, the EEOC did not provide him with a copy of this cross-filing form until March 30, 2007, the day he filed the instant Motion for Reconsideration.

Further, the Court will reinstate Plaintiff's claim for harassment under the PHRA against Peters Township School District, Superintendent Diane Kirk, individually; and Assistant Superintendent John Hoover, individually.

An appropriate Order follows.

McVerry, J.

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DR. THOMAS HAJZUS,)
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 Plaintiff,)
 v.) 02: 06cv1401
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PETERS TOWNSHIP SCHOOL DISTRICT)
)
 Defendant.)

ORDER OF COURT

AND NOW, this 12th day of April 2007, in accordance with the foregoing Memorandum Opinion, it is hereby **ORDERED, ADJUDGED AND DECREED** that the Motion Requesting Clarification Or In The Alternative Reconsideration of the Court's Order Dated March 23, 2007, Granting Defendants' Partial Motion to Dismiss is **GRANTED**.

Accordingly, Superintendent Diane Kirk, individually, and Assistant Superintendent John Hoover, individually, are reinstated as defendants in this matter.

Further, Plaintiff's claims of harassment under the PHRA against Defendants Peter Township School District, Superintendent Diane Kirk, individually, and Assistant Superintendent John Hoover, individually, are also reinstated.

The caption in this matter is amended to so reflect as follows:

DR. THOMAS HAJZUS,)
)
 Plaintiff,)
 v. 02: 06cv1401
)
PETERS TOWNSHIP SCHOOL)
DISTRICT; SUPERINTENDENT DIANE)
KIRK, Individually; and ASSISTANT)
JOHN HOOVER, Individually,)
)
 Defendants.)

Defendants Superintendent Diane Kirk, individually, and Assistant Superintendent John Hoover, individually, shall file their respective Answer(s) to the Complaint on or before **April 24, 2007.**

BY THE COURT:

s/Terrence F. McVerry
United States District Court Judge

cc: Christian Bagin, Esquire
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Mark E. Scott, Esquire
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